

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-28 are currently pending. Claims 1, 19 and 25-28 are independent. Claims 1, 19 and 28 are hereby amended. Support for this amendment is provided through out the Specification, as originally filed. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-28 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,806,909 to Radha et al.

Claim 1 recites, *inter alia*:

“...assuring the continuity of Program Clock Reference (PCR), Presentation Time Stamp (PTS), and Decoding Time Stamp (DTS) of the output stream when the streams are concatenated, wherein the PCR information, PTS information and DTS information are extracted from the output stream; and

controlling said stream output means, as a function of the PCR information, PTS information and DTS information extracted from the output stream...” (emphasis added)

As understood by Applicant, U.S. Patent No. 6,806,909 to Radha et al. relates to encoders that provide encoded MPEG-2 data streams for a first and second program. The encoder provides seamless video **splice-in and splice-out points**. A play-to-air splicer is commanded to switch the broadcast output from the first input stream to the second input streams. The splicer identifies approximately aligned seamless video splice-in and seamless video splice-out points in the respective first and second video streams. The splicer splices the second video stream to the first video stream, but continues to broadcast the first audio stream. The splicer adjusts the decode and presentation times in the second stream after the respective splice-in to be consistent with such times in the first program. A decoder converts the compressed video and audio components output from the splicer into uncompressed form. (see abstract, emphasis added)

Applicant submits that nothing has been found in the cited portions of U.S. Patent No. 6,806,909 to Radha et al. (hereinafter, merely “Radha”) that would disclose or suggest the above-identified features of claim 1.

Specifically, Applicant submits that Radha fails to teach or suggest that PCR information, PTS information and DTS information are extracted from the output stream, as recited in claim 1.

Furthermore, Applicant submits that Radha fails to teach or suggest controlling said stream output means, as a function of the PCR information, PTS information and DTS information extracted from the output stream, as recited in claim 1.

Indeed, the Office Action concedes that Radha does not teach the extraction feature. Applicant submits that the splicing feature in Radha teaches away from the extraction

feature recited in claim 1 since the splicing feature utilizes a flag to identify splice points. (See Rahda column 11, lines 34-36.)

Therefore, Applicant submits that claim 1 is patentable because Radha fails to teach or suggest the claimed features and indeed teaches away from the claimed invention.

Independent claims 19 and 25-28 are similar in scope and believed to be patentable for similar reasons.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent on one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By Thomas F. Presson
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800